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EXAMINER
TRAN, HAI V

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Interview Summary	09/895,347	CRINON ET AL.
	Examiner	Art Unit	
	Hai Tran	2623	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Hai Tran*.   (3)_____.

(2) *Kerry Tweet*.   (4)_____.

Date of Interview: *10 August 2006*.

Type: a)☒ Telephonic   b)☐ Video Conference
         c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
    If Yes, brief description: _____.

Claim(s) discussed: *1, 8, 15, 18, 22, 29, 36, and 39*.

Identification of prior art discussed: *None*.

Agreement with respect to the claims f)☐ was reached.   g)☐ was not reached.   h)☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *The Examiner directs Applicant to "Interim Guidelines for Patent Subject Matter Eligibility-OG Date 22nd November 2005", Annex IV for determining whether proposed claims comply with the subject matter eligibility requirement of 35 USC § 101. The Examiner indicates proposed method claims 1-20 are Non-Statutory and claims 22-46 are Statutory*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

HAI TRAN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.

_____
Examiner's signature, if required

PROPOSED AMENDMENTS FOR EXAMINER INTERVIEW

For Discussion Purposes Only

Claims amended: 1, 5-8, 12-15, 18, 19, 22-37, 39, and 40

Claims canceled: 21 and 42

New claims added: 43-46

1   1.   (Currently Amended) A <u>computer implemented</u> method ~~of determining a~~

2   ~~metric for evaluating module schedules for a carousel, the method~~ comprising:

3   <u>receiving a schedule for a carousel;</u>

4   determining an interval difference for an instance of a module on [[a]] <u>the</u> carousel;

5   applying a function to the interval difference to determine a result for the instance; ~~and~~

6   adding the result for the instance to a sum, the sum corresponding to ~~the~~ <u>a</u> metric<u>; and</u>

7   <u>outputting the metric, the metric for use in evaluating the carousel schedule.</u>

1   2.   (Original) The method of claim 1, further comprising:

2   determining an interval difference for each remaining instance of the module;

3   applying the function to the interval difference for each remaining instance to determine a

4   result for each remaining instance; and

5   adding the result for each remaining instance to the sum.

1   3.   (Original) The method of claim 2, further comprising:

2   determining an interval difference for each instance of each remaining module on the

3   carousel;

4   applying the function to the interval difference for each instance of each remaining

5   module to determine a result for each instance of each remaining module; and

6   adding the result for each instance of each remaining module to the sum.

1   4.   (Original) The method of claim 1, further comprising:

2   adding a penalty term to the sum in response to an actual interval of the instance equaling

3   one; and

4   adding a penalty term to the sum in response to an actual interval of the instance equaling

5   negative one.

1   5.   (Currently Amended) The method of claim 1, ~~further comprising~~ wherein

2   applying a function to the interval difference comprises determining an absolute value of

3   the interval difference ~~to determine the result for the instance~~.

1   6.   ＼ (Currently Amended) The method of claim 1, ~~further comprising~~ wherein

2   applying a function to the interval difference comprises determining a square of the

3   interval difference ~~to determine the result for the instance~~.

1   7.   (Currently Amended) The method of claim 1, ~~further comprising~~ <u>wherein</u>

2   <u>applying a function to the interval difference comprises</u>:

3   determining a square of the interval difference;

4   adding one to the square of the interval difference to determine a number; and

5   determining a Logarithmic of the number ~~to determine the result for the instance~~.

1   8.   (Currently Amended) A <u>computer implemented</u> method ~~of determining a~~

2   ~~metric for evaluating module schedules for a carousel, the method~~ comprising:

3   <u>receiving a schedule for a carousel</u>;

4   setting a sum variable to zero, the sum corresponding to ~~the~~ <u>a</u> metric;

5   selecting a module of [[a]] <u>the</u> carousel;

6   selecting an instance of the selected module;

7   determining an interval difference of the selected instance;

8   applying a function to the interval difference of the selected instance to determine a result

9   for the selected instance; ~~and~~

10 adding the result for the selected instance to the sum<u>; and</u>

11 <u>outputting the metric, the metric for use in evaluating the carousel schedule</u>.

1   9.   (Original) The method of claim 8, further comprising:

2   selecting a second instance of the selected module;

3   determining an interval difference of the second instance;

4   applying the function to the interval difference of the second instance to determine a

5   result for the second instance; and

6   adding the result for the second instance to the sum.

1   10.   (Original) The method of claim 8, further comprising:

2   selecting a second module of the carousel;

3   selecting an instance of the second module;

4   determining an interval difference of the selected instance of the second module;

5   applying the function to the interval difference of the selected instance to determine a

6   result for the selected instance of the second module; and

7   adding the result for the selected instance of the second module to the sum.

1   11.   (Original) The method of claim 8, further comprising:

2   adding a penalty term to the sum when an actual interval of the selected instance equals

3   one; and

4   adding a penalty term to the sum when an actual interval of the selected instance equals

5   negative one.

1   12.   (Currently Amended) The method of claim 8, ~~further comprising~~ <u>wherein</u>

2   <u>applying a function to the interval difference comprises</u> determining an absolute value of

3   the interval difference ~~to determine the result for the selected instance~~.

1   13.   (Currently Amended) The method of claim 8, ~~further comprising~~ <u>wherein</u>

2   <u>applying a function to the interval difference comprises</u> determining a square of the

3   interval difference ~~to determine the result for the selected instance~~.

1   14.   (Currently Amended) The method of claim 8, ~~further comprising~~ <u>wherein</u>

2   <u>applying a function to the interval difference comprises</u>:

3   determining a square of the interval difference;

4   adding one to the square of the interval difference to determine a number; and

5   determining a Logarithmic of the number ~~to determine the result for the selected instance~~.

1   15.   (Currently Amended) A <u>computer implemented</u> method comprising:

2   ~~providing~~ <u>receiving</u> a plurality of modules, at least one module of the plurality of

3   modules having at least two instances;

4   generating a first module schedule for the plurality of modules;

5   determining a first goodness metric for the first module schedule;

6   generating at least a second module schedule for the plurality of modules;

7   determining a second goodness metric for the second module schedule;

8   selecting one of the first module schedule and the second module schedule in response to

9   the first and second goodness metrics; and

10   encapsulating a carousel exhibiting the selected module schedule into a transmission.

1   16.   (Original) The method of claim 15, further comprising:

2   determining which of the first and second goodness metrics is an optimum goodness

3   metric; and

4   selecting one of the first module schedule and the second module schedule corresponding

5   to the optimum goodness metric.

1   17.   (Original) The method of claim 16, the optimum goodness metric

2   corresponding to a lowest goodness metric.

1   18.   (Currently Amended) A <u>computer implemented</u> method ~~of evaluating~~

2 ~~module schedules for a carousel, the method~~ comprising:

3 ~~providing~~ <u>receiving</u> a plurality of modules, at least one module of the plurality of

4   modules having at least two instances;

5 generating a plurality of module schedules for the plurality of modules; ~~and~~

6 determining a goodness metric for each module schedule of the plurality of modules

7   schedules, the goodness metrics for evaluating the plurality of modules schedules<u>;</u>

8 <u>selecting one of the module schedules in response to the goodness metrics; and</u>

9 <u>providing the one selected module schedule to an insertion device for encapsulation into</u>

10   <u>a transmission.</u>

1   19.   (Currently Amended) The method of claim 18, ~~further comprising~~

2 ~~identifying at least one module schedule of the plurality of module schedules having~~

3 <u>wherein the one selected module schedule has</u> an optimum goodness metric.

1   20.   (Original) The method of claim 19, the optimum goodness metric

2 corresponding to a lowest goodness metric.

1   21.   (Canceled)

1   22.   (Currently Amended) An article of manufacture comprising:

2   a ~~machine-accessible~~ <u>computer-readable</u> medium, the ~~machine-accessible~~ <u>computer-</u>

3   <u>readable</u> medium providing instructions that, when executed by a ~~machine~~ <u>computer,</u>

4   cause the ~~machine~~ <u>computer</u> to

5   <u>receive a schedule for a carousel;</u>

6   determine an interval difference for an instance of a module on [[a]] <u>the</u> carousel;

7   apply a function to the interval difference to determine a result for the instance;

8   ~~and~~

9   add the result for the instance to a sum, the sum corresponding to a metric ~~for~~

10   ~~evaluating module schedules for the carousel;~~ <u>and</u>

11   <u>output the metric, the metric for use in evaluating the carousel schedule.</u>

1   23.   (Currently Amended) The article of manufacture of claim 22, wherein the

2   instructions, when executed, further cause the ~~machine~~ <u>computer</u> to:

3   determine an interval difference for each remaining instance of the module;

4   apply the function to the interval difference for each remaining instance to determine a

5   result for each remaining instance; and

6   add the result for each remaining instance to the sum.

1   24.   (Currently Amended) The article of manufacture of claim 23, wherein the

2   instructions, when executed, further cause the ~~machine~~ <u>computer</u> to:

3   determine an interval difference for each instance of each remaining module on the

4   carousel;

5   apply the function to the interval difference for each instance of each remaining module

6   to determine a result for each instance of each remaining module; and

7   add the result for each instance of each remaining module to the sum.

1   25.   (Currently Amended) The article of manufacture of claim 22, wherein the

2   instructions, when executed, further cause the ~~machine~~ <u>computer</u> to:

3   add a penalty term to the sum in response to an actual interval of the instance equaling

4   one; and

5   add a penalty term to the sum in response to an actual interval of the instance equaling

6   negative one.

1   26.   (Currently Amended) The article of manufacture of claim 22, wherein the

2   instructions, when executed, ~~further~~ cause the ~~machine~~ <u>computer, when applying a</u>

3   <u>function to the interval difference,</u> to determine an absolute value of the interval

4   difference ~~to determine the result for the instance~~.

1   27.   (Currently Amended) The article of manufacture of claim 22, wherein the

2   instructions, when executed, ~~further~~ cause the ~~machine~~ computer, when applying a

3   function to the interval difference, to determine a square of the interval ~~to determine the~~

4   ~~result for the instance~~.

1   28.   (Currently Amended) The article of manufacture of claim 22, wherein the

2   instructions, when executed, ~~further~~ cause the ~~machine~~ computer, when applying a

3   function to the interval difference, to:

4   determine a square of the interval difference;

5   add one to the square of the interval difference to determine a number; and

6   determine a Logarithmic of the number ~~to determine the result for the instance~~.

1   29.   (Currently Amended) An article of manufacture comprising:

2   a ~~machine-accessible~~ computer-readable medium, the ~~machine-accessible~~ computer-

3   readable medium providing instructions that, when executed by a ~~machine~~ computer,

4   cause the ~~machine~~ computer to

5   receive a schedule for a carousel;

6   set a sum variable to zero, the sum corresponding to a metric;

7   select a module of [[a]] the carousel;

8   select an instance of the selected module;

9   determine an interval difference of the selected instance;

10   apply a function to the interval difference of the selected instance to determine a

11   result for the selected instance; ~~and~~

12   add the result for the selected instance to the sum~~, the sum corresponding to a~~

13   ~~metric for evaluating module schedules for the carousel~~; and

14   output the metric, the metric for use in evaluating the carousel schedule.

1   30.   (Currently Amended) The article of manufacture of claim 29, wherein the

2   instructions, when executed, further cause the ~~machine~~ computer to:

3   select a second instance of the selected module;

4   determine an interval difference of the second instance;

5   apply the function to the interval difference of the second instance to determine a result

6   for the second instance; and

7   add the result for the second instance to the sum.

1   31.   (Currently Amended) The article of manufacture of claim 29, wherein

2   the instructions, when executed, further cause the ~~machine~~ computer to:

3   select a second module of the carousel;

4   select an instance of the second module;

5   determine an interval difference of the selected instance of the second module;

6   apply the function to the interval difference of the selected instance to determine a result

7   for the selected instance of the second module; and

8   add the result for the selected instance of the second module to the sum.

1   32.   (Currently Amended) The article of manufacture of claim 29, wherein the

2   instructions, when executed, further cause the ~~machine~~ computer to:

3   add a penalty term to the sum when an actual interval of the selected instance equals one;

4   and

5   add a penalty term to the sum when an actual interval of the selected instance equals

6   negative one.

1   33.   (Currently Amended) The article of manufacture of claim 29, wherein

2   the instructions, when executed, ~~further~~ cause the ~~machine~~ computer, when applying a

3   function to the interval difference, to determine an absolute value of the interval

4   difference ~~to determine the result for the selected instance~~.

1   34.   (Currently Amended) The article of manufacture of claim 29, wherein the

2   instructions, when executed, ~~further~~ cause the ~~machine~~ computer, when applying a

3   function to the interval difference, to determine a square of the interval difference ~~to~~

4   ~~determine the result for the selected instance~~.

1   35.   (Currently Amended) The article of manufacture of claim 29, wherein the

2   instructions, when executed, ~~further~~ cause the ~~machine~~ computer, when applying a

3   function to the interval difference, to:

4   determine a square of the interval difference;

5   add one to the square of the interval difference to determine a number; and

6   determine a Logarithmic of the number ~~to determine the result for the selected instance~~.

1   36.   (Currently Amended) An article of manufacture comprising:

2   a ~~machine accessible~~ <u>computer-readable</u> medium, the ~~machine accessible~~ <u>computer-</u>

3   <u>readable</u> medium providing instructions that, when executed by a ~~machine~~ <u>computer</u>,

4   cause the ~~machine~~ <u>computer</u> to

5   ~~provide~~ <u>receive</u> a plurality of modules, at least one module of the plurality of

6   modules having at least two instances;

7   generate a first module schedule for the plurality of modules;

8   determine a first goodness metric for the first module schedule;

9   generate at least a second module schedule for the plurality of modules;

10   determine a second goodness metric for the second module schedule;

11   select one of the first module schedule and the second module schedule in

12   response to the first and second goodness metrics; and

13   encapsulate a carousel exhibiting the selected module schedule into a

14   transmission.

1   37.   (Currently Amended) The article of manufacture of claim 36, wherein the

2   instructions, when executed, further cause the ~~machine~~ <u>computer</u> to:

3   determine which of the first and second goodness metrics is an optimum goodness

4   metric; and

5   select one of the first module schedule and the second module schedule corresponding to

6   the optimum goodness metric.

1   38.   (Original) The article of manufacture of claim 36, the optimum goodness

2   metric corresponding to a lowest goodness metric.

1   39.   (Currently Amended) An article of manufacture comprising:

2   a ~~machine accessible~~ computer-readable medium, the ~~machine accessible~~ computer-

3   readable medium providing instructions that, when executed by a ~~machine~~ computer,

4   cause the ~~machine~~ computer to

5   ~~provide~~ receive a plurality of modules, at least one module of the plurality of

6   modules having at least two instances;

7   generate a plurality of module schedules for the plurality of modules; ~~and~~

8   determine a goodness metric for each module schedule of the plurality of modules

9   schedules, the goodness metrics for evaluating the plurality of modules

10   schedules;

11   select one of the module schedules in response to the goodness metric; and

12   provide the one selected module schedule to an insertion device for encapsulation

13   into a transmission.

1   40.   (Currently Amended) The article of manufacture of claim 39, wherein the

2   ~~instructions, when executed, further cause the machine to identify at least one module~~

3   ~~schedule of the plurality of module schedules having~~ one selected module schedule has

4   an optimum goodness metric.

1   41.   (Original) The article of manufacture of claim 40, the optimum goodness

2   metric corresponding to a lowest goodness metric.

1   42.   (Canceled)

1   43.   (New) The method of claim 1, wherein the metric is output to a user

2   interface.

1   44.   (New) The method of claim 8, wherein the metric is output to a user

2   interface.

1   45.   (New) The article of manufacture of claim 22, wherein the metric is

2   output to a user interface.

1   46.   (New) The article of manufacture of claim 29, wherein the metric is

2   output to a user interface.